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ARGENTINA

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DE009HUMAN RIGHTS SITUATION -- Jan. 1982/Jan. 1981

-- Disappearances have virtually ceased. There are no well documented disappearances since August 1980. However, on January 6, 1982, an Argentine human rights organization alleged publicly that two men disappeared in Buenos Aires in 1981, in March and November. GOA officials said neither case had been reported. January 7, the Federal Police produced the second man at a press conference and announced he had been visiting his fiancée in Rosario. The man confirmed the police account. The human rights group disputes the police version.

-- The number of prisoners held by national executive power (PEN) on other than common criminal charges continued to be reduced through release or trial to about 665 at year's end from over 8000 in 1977.

-- About 400 persons were released outright from PEN or paroled in 1981.

-- Recent court decisions have ordered release of PEN prisoners and questioned prolonged detentions.

-- The Supreme Court ordered lower courts to investigate disappearances more fully, although no information on any case has been forthcoming so far.

-- Improvements in prison conditions as a result of government reforms in 1979 and 1980 continued to be maintained, as did the ICRC's program of visiting detainees.

-- Accusations of torture have declined; two men temporarily arrested in 1981 were reported to have been subjected to electric shock. There were no reports of suicides of political detainees in 1981.

-- Freedom of speech and the press continued to expand with extensive critical commentary on government changes, economic and social policies and conditions, and human rights including issues of detention and disappearances. Self-censorship, however, is practiced, and there were some allegations of harassment of the press and an assault on one journalist.

-- Although political party activity remains officially suspended, politicians speak out on issues, maintain an informal multi-party coalition, hold discussions with the government and publicly call for a return to civilian government. Politically oriented gatherings are less subject to interdiction and harassment by police. The government promises a new law to permit resumed political party activity by mid-1982.

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-- Progress toward implementing the 1979 trade union organization law has been slow, but several labor groups actively make their highly critical views of government known. Strikes are prohibited but the ban frequently is not enforced and strikes are usually settled without violence.

II. US-ARGENTINE RELATIONS

Relations, which were greatly strained over the human rights issue, have improved considerably in the past two years. The Reagan Administration seeks to strengthen relations because of extensive political, economic, commercial and security considerations. Argentina is the fourth largest market in Latin America for U.S. products and direct investment. In the interests of better relations and in recognition of Argentina's improved human rights situation, the Administration revised the policy of abstaining on certain loans to Argentina on human rights grounds in international financial institutions and supported the repeal of the Humphrey-Kennedy Amendment to the Foreign Assistance Act which prohibits an arms supply relationship. The repeal requires a presidential certification that arms sales and/or assistance is in the national interest and that there has been improvement in human rights in Argentina, particularly in regard to continued adjudication or release of PEN detainees and accounting for the disappeared who have died, in so far as the GOA has information.

III. SUGGESTED REPLIES TO OFTEN RAISED ISSUES

On secret detention camps: The government of Argentina has denied that there are any secret detention camps or any prisoners not officially acknowledged. We are not aware of any evidence to the contrary.

On lists of disappeared: The Department of State has not compiled a list of those alleged to have disappeared in Argentina. We rely on lists compiled by human rights and other non-governmental organizations. We believe the best documented list is the one compiled by the Permanent Assembly for Human Rights in Buenos Aires which identifies about 5,600 persons reported to have disappeared.

On accounting for the Disappeared: This is one of the most sensitive and difficult human rights and political issues in Argentina. To the military, the question of accountability raises concerns over reprisals by a future civilian government and thus impinges on the restoration of due process and return to democratic rule. Most Argentines recognize that the matter must

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be resolved, but differ on how to approach the problem. While most political leaders have not made this an issue in their dealings with the government, the coalition of five political parties in December 1981 called for some type of official explanation to the nation.

On the Reagan Administration's policy toward Argentina:
Human rights improvements in Argentina have resulted from domestic considerations. Nevertheless, there is an important international dimension. The GOA wants to improve its international image and relations, particularly with the United States. Officials are well aware of the importance human rights issues play in the formation of U.S. policies, legislation and public opinion. Given the strength and sensitivity of Argentine nationalism and the presence of hard-line elements in the military who oppose liberalization, insistent official U.S. public criticism can be counter-productive. As our bilateral relations have improved, there has been greater opportunity in high-level discussions to reiterate our human rights concerns, recognize positive developments, encourage further improvements, and raise specific cases of particular interest. .

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Clearance: HA:RJorgenson (subs.)

Approve: ARA/SC: REService ⁴


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